

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**IN RE:**

**LEGENDARY FIELD  
EXHIBITIONS, LLC,  
  
Debtor.**

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**CASE NO. 19-50900-CAG  
  
Chapter 7**

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**DUNDON CAPITAL PARTNERS, LLC,**

**Plaintiff,**

**v.**

**CHARLES EBERSOL,**

**Defendant.**

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**Adversary No. 22-05077-CAG-7**

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**PLAINTIFF DUNDON CAPITAL PARTNERS, LLC’S  
RESPONSE TO DEFENDANT CHARLES EBERSOL’S  
MOTION FOR ENTRY OF FINAL JUDGMENT**

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Plaintiff Dundon Capital Partners, LLC does not oppose Charles Ebersol’s request for entry of final judgment. ECF 176.

1. This case was consolidated with Adversary Proceeding 22-05078 by order entered December 4, 2024. Adv. No. 22-05079, ECF 167. The Order maintained the separateness of the adversary proceedings for judgment. *Id.*

2. The Court granted Ebersol’s motion for summary judgment by order entered March 3, 2025. ECF 171.

3. DCP intends to appeal the ruling.

4. A party cannot appeal an order granting a summary judgment; the Court must enter a separate judgment to trigger the appellate deadlines. FED. R. CIV. P. 58(a).

5. DCP agrees with Ebersol that Rule 54(b) does not require a certification in this case. *See generally* 10 WRIGHT, CHARLES A., *et al.*, FED PRAC. & PROC. § 2656 (Supp. 2025). “Rule 54(b) addresses orders adjudicating fewer than all claims” in a multiclaim case; it does not apply when an order adjudicates all claims in a case consolidated for pretrial with another case. *Gelboim v. Bank of American Corp.*, 574 U.S. 405, 416 (2015) (examining final order in case consolidated for pretrial in multidistrict litigation).

6. Because Rule 54(b) does not require a certification for finality, no impediment exists to the Court entering a final judgment in this case.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

The undersigned certifies a true and correct copy of the foregoing was served by delivering the same to the person listed below in the manner and on the date indicated.

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Dated May 5, 2025.

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